

AFFIDAVIT IN SUPPORT A CRIMINAL COMPLAINT

I, Peter J. Mauro, a Special Agent (SA) with the Federal Bureau of Investigation (hereinafter "FBI"), Cleveland Division, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in 18 U.S.C § 2516. I have been trained in advanced investigative techniques and have satisfied all requirements defined by the Federal Criminal Investigator Classification series established by the U.S. Office of Personnel Management.

2. I have been employed by the FBI as a Special Agent since August of 2009 and am currently assigned to the Cleveland division, Akron Resident Agency. I have been assigned to, and participated in, investigations in the area of general criminal matters, specializing in Crimes Against Children and crimes involving the internet. I have participated in all of the usual methods of investigation including, but not limited to, financial analysis, physical surveillance, service of subpoenas, cooperating witnesses, confidential human sources, telephone toll record analysis, interception of wire and cellular telephone communications, consensual monitoring, and the execution of search and arrest warrants. I have gained experience through training at the FBI Academy in Quantico, Virginia and everyday work relating to conducting these types of investigations. I am an FBI certified Computer Analysis Response Team (CART) Technician, and an FBI Digital Extraction Technician (DExT). I am the Senior Team Leader of the Cleveland Division's Evidence Response Team (ERT). Prior to the FBI, I enlisted in the United States Air Force where I attained the rank of Staff

Sergeant. I hold an associate's degree in criminal justice, a bachelor's degree in psychology, and a master's degree in criminal justice.

3. Over the course of my employment as an FBI Special Agent I have conducted and participated in multiple criminal investigations that have resulted in arrests for violent criminal offenses involving children. These crimes resulted in subsequent convictions in Federal Courts.

4. This affidavit is being submitted for the limited purpose of establishing probable cause to believe that Bryce Ferguson (hereafter "Ferguson"), date of birth June XX, 1979, social security number XXX-XX-1182 has violated 18 U.S.C. § 2252(a)(2) - Receipt of visual depictions of minors engaged in sexually explicit conduct.

5. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents, Task Force Officers [TFO] and FBI Analysts, written reports about this and other investigations that I have received directly or indirectly, from other law enforcement agents, information gathered from the results of physical surveillance conducted by law enforcement agents, interviews of Ferguson, his family, the service and execution of administrative subpoenas and a federal search warrant, independent investigation and analysis by FBI agents/analysts, and my experience, training and background as a Special Agent of the FBI. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause for the requested complaint.

6. In or about September of 2023, I was running investigative queries on a law enforcement service¹ used to track IP addresses suspected of trading Child Sexual Abuse Material (CSAM) and identified IP address 104.179.84.197 engaged in the receipt, possession, and distribution of CSAM via BitTorrent² which is a peer-to-peer file sharing network. Results of an administrative subpoena show that IP address 104.179.84.197 is registered to Bryce Ferguson at XXX Saxe Road in Mogadore Ohio from on or about December 31, 2022, to at least September 12, 2023. That address is in Portage County which is located in the Northern District of Ohio Eastern Division.

7. In or about September and October of 2023, the FBI received evidence from Detective Robert Marrok from Brunswick Police Department, and Agent Douglas Todd who is from Hamilton County Sheriff's Office and an FBI TFO. The evidence was obtained from BitTorrent directly from, and only from IP address 104.179.84.197 between on or about September 4, 2023, and on or about September 28, 2023. That evidence contained two videos of CSAM. The following are descriptions of a sample of those videos:

- A 12 minute 53 second color video titled, "Daphne - Yellow Sucker (Yvmd04).avi" depicting a prepubescent girl approximately seven-years-old laying naked on her back performing for the camera. During the video, the girl starts by eating a candy sucker, then masturbating by rubbing

1 It should be noted that the law enforcement service used herein does not provide the user with the actual CSAM media to review. It simply provides SHA1/MD5 values of the suspected CSAM files, summaries of the files, and the file names along with technical data regarding when the files were transmitted to a specific IP address, and when that conduct occurred. The descriptions are law enforcement officer descriptions of CSAM that share the same SHA1/MD5 value as those received, downloaded, and shared by 104.179.84.197 on BitTorrent. The tool maintains historical records and that the transactions noted herein include historical records as well as near-live records

2 BitTorrent is a Torrent software. Torrents are decentralized, peer-to-peer file sharing services that the user both receives, and shares files both in part and whole. The software, by its nature, requires the use of the internet, and other participants located globally. BitTorrent, and other torrent software like uTorrent, all work on the same premises, and often the same underlying software. Torrents are prolifically used in the receipt, distribution, and possession of CSAM.

both her vagina and anus. The girl is naked throughout the video and her vulva, anus, and nipples are visible. The video has MD5 value³: CA8A1F7A420480043F3823EB3FF2084D.

- A 49 minute three second color video titled, "Daphne (9yo) After Shoots (49m03s).mpg depicts a prepubescent girl approximately seven-years-old laying naked on a bed and masturbating with a sex toy. The girl is missing some baby teeth in her mouth indicating her likely age. The girl's vulva, anus and nipples are visible. An adult male lays next to her naked with an erect penis. The girl performs fellatio on the man. She then climbs on top of the man's penis and they have vaginal sex. The man then performs cunnilingus on the girl. The man then digitally penetrates the girl's vagina and anus before having anal sex with her. The video has MD5 value: 2CD7D3CA487EC97D76AE48F6629C6A4A.

8. In or about December 2023, while reviewing a law enforcement service, an FBI TFO observed other investigative activity indicating that further direct downloads were obtained by Detective John Bartolucci of the Franklin County Sheriff's Office in Ohio from, and only from, IP address 104.179.84.197 as well as another law enforcement officer in Texas. Both of those downloads occurred on or about November 14, 2023 and November 15, 2023, and the investigators indicated that at least some of the files contained CSAM.

9. On or about December 11, 2023 an FBI TFO received and reviewed those files from Detective Bartolucci. Below is a description of two of the files:

- A video titled “d73035dd9be55c5bc9df6fc95b2f0f18 - anal girl masturbation sound toys.flv” is described as an approximately two minute and forty-three second color video depicting an

³ MD5 is a nationally recognized file verification and authentication protocol used by the government and businesses to intercept and identify CSAM and to substantially compare like-files.

approximately 10-year-old Caucasian female laying on a chair. She is completely nude except for stockings on her legs. Her vulva and anus are exposed to the camera. She is penetrating her anus with a flesh-colored cylindrical object. The video has an MD5 Hash value of D73035DD9BE55C5BC9DF6FC95B2F0F18.

- A video titled “23716be71968e657598c9322487d8b1f - 2012 anal girl man pthc sound.wmv” is described as an approximately one minute and twenty-two second color video depicting an approximately four-year-old female on her knees with her chest on what appears to be a bed. Her bare buttocks is exposed to the camera and her anus is being penetrated by an unidentified adult male's erect penis throughout the video. The video has an MD5 hash value of 23716BE71968E657598C9322487D8B1F.

10. On or about January 9, 2024 Agents and TFO of the FBI Akron Resident Agency and detectives from the Portage County Sheriff's Office conducted a federal search warrant on the residence of Ferguson in Mogadore, Ohio. Ferguson was home with his adult son, and two minor children at the time of the search warrant.

11. Two items were seized from the premises that belonged to Ferguson, a Dell laptop and an iPhone 15.

12. On or about January 10, 2024, I forensically imaged the two devices. Then, in the following days I processed and reviewed the images and identified the following items of investigative interest.

13. The iPhone15 had numerous attributions indicating the phone was used solely by Ferguson. A small quantity of adult pornography and images and videos that I believe are “age

questionable” where the parties depicted could be under the age of 18, but it is not known for sure. A forensic examination of the laptop revealed:

14. The laptop recovered was also forensically examined. At the time that the Dell laptop was encountered by the FBI, there were three active torrent downloads, all appeared to be CSAM. The titles of the torrent files were, “[JulyJailbait] – [redacted]⁴] – BDSM fetish pedomom PTHC amateur.torrent” “[JulyJailbait.club] – 1st Studio Siberian Mouse Nk 004 (Veronika Babko release 2017 y pthc...” “__ARESTRA__masha veronika babko Siberian mouse.avi.torrent”. I know based on my experience working crimes against children, the “PTHC” means preteen hardcore, and I am familiar with both the “July jailbait” and “Siberian mouse” series of CSAM.

15. In total, there were 35 partial torrent files located on the device that were identified as CSAM. The date range for those files was on or about September 28, 2023 through on or about January 9, 2024. The names of the files are consistent with those described above. They include terms like, ”PTHC”. Two examples of file names from this evidence are: “PTHC 11yo Asian girl facial and fuck..” and [JulyJailBait]pedo cute young girl sex with dad”.

16. The file paths of the torrent fragment files indicate that the files were received via the internet. For example, some of the above mentioned CSAM files were found in the “downloads” folder of the device. Another file fragment was found in the
Users\fergu\AppData\Roaming\utorrent\PTHC... indicating that the file was found in the uTorrent program user data.

⁴ Part of the file name was redacted because it displayed a full Tor web address which would likely lead to CSAM

17. At the time of this affidavit, the forensic examination of the Dell laptop is ongoing.

However, the laptop contained at least 500 files of CSAM media. Four examples of files observed on the device are indicated here:

- A color image titled, “0168082_Carved.jpg” depicts an approximately six-year-old girl kneeling naked next to a bed. The girl is bound with a black rope tied around her wrists, ankles and neck. The girl is in a submissive, sexual position. The MD5 value of this file is 6E73A395F3E52C8C2967010C6144551C.
- A color image titled, “0168338_Carved.jpg” depicts an approximately two-year-old toddler clothed with her back against a pillow or mattress. The girl is performing fellatio on an erect adult male penis. The video has MD5 value D0DC5BD98F61937C6293DA9902D46B27.
- A color image of an approximately seven-year-old girl kneeling before an adult male with an erect penis. The girl is performing fellatio on the man. The man’s penis is observed in the girl’s mouth. The file has MD5 value 192edae7bafb3f8fb360f7eb8805ace8.
- A color image of an approximately four-year-old girl laying naked on a couch. The girl is reaching behind herself to spread her buttocks for the camera. The focus of the image is the girl’s anus and vulva which are clearly visible. The file has MD5 value 7878b636afc3819f3d785de3459e88a4.

18. FBI Agents interviewed Ferguson. I read their interview report. It contained the following items of investigative interest:

19. Ferguson has sole custody of two minor daughters. They reside with him at his Mogadore address. Ferguson admitted to utilizing AT&T internet and that he pays for the service. Ferguson admitted to ownership of the Dell laptop mentioned above. Ferguson stated that he used uTorrent, a torrent application to download pornography.

20. Ferguson described in detail how torrents work and that he understands that his computer acts as a node for others to take media from his computer. Ferguson went so far as to say that he often changes the name of CSAM files that he downloads to prevent others from recognizing them as child porn to prevent them from being shared from his device. Ferguson stated that he goes through cycles of using torrents. He would download media, use it for sexual gratification, and then deletes it because he was shamed by it, and did not want to share it with others. Ferguson directly admitted an attraction to minors. Ferguson stated, “I would download it, watch it, delete it.” Ferguson explained that seeding on torrents meant that it was making Ferguson a node that someone else can download child pornography from him. Because of this, Ferguson would rename it and then would delete it after looking at it. Ferguson said he is smart enough to know “I’ve made incriminating statements” and said he will never do it again.

21. Ferguson stated that he does not know why he is attracted to child pornography, and that his father was arrested for similar conduct. Ferguson detailed an event from his childhood where he found one of his dad’s victims that was being abused in his father’s bedroom. Ferguson pondered his attraction to children being derived from his father’s deviance. Ferguson stated that he did not want to keep child pornography; that he wanted it gone because he felt guilty from viewing it.

22. Later, Ferguson was advised of his Miranda rights and interviewed again. Ferguson provided that FBI Agent a written statement that he signed. The statement in part is:

"I initially began downloading Child Sexual Abuse Material (CSAM) at approximately 40 years old. I typically view CSAM that contains females that are approximately 12-17 years old. My last viewership of CSAM was approximately 24hrs ago. I have utilized BitTorrent and YouTorrent⁵ to view CSAM. I understand that BitTorrent and YouTorrent are peer-to-peer sharing sites. However, I didn't understand the intricacies of peer-to-peer sharing, such as I was file sharing with other users."

23. Ferguson told that FBI Agent that he first began using child pornography when he was 40 years old. He last viewed child pornography within the last day. Ferguson admitted to using both BitTorrent and uTorrent to download and view CSAM. Ferguson stated that he typically views the CSAM then deletes it. Ferguson stated that he prefers CSAM that depicts girls between the ages of 12 and 17.

24. Ferguson later told that FBI Agent in my presence that he downloaded child pornography for sexual gratification. Ferguson minimized his behavior by saying that it was just child pornography, and not hands-on offenses with children. Ferguson denied any hands-on offenses.

⁵ YouTorrent likely refers to uTorrent, a known torrenting site

CONCLUSION

25. Based on the above information, probable cause exists that Bryce Ferguson has violated 18 U.S.C. § 2252(a)(2) - Receipt of visual depictions of minors engaged in sexually explicit conduct.

FURTHER AFFIANT SAYETH NOT



Peter J. Mauro, Special Agent
Federal Bureau of Investigation
Akron, Ohio

Sworn to me via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1, on this 16th day of January, 2024 in Akron, Ohio.



Amanda M. Knapp
United States Magistrate Judge